

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1080

(Reference to printed bill)

1 Page 4, line 27, strike "thirty-six" insert "**EIGHTY-FOUR**"

2 Page 7, between lines 2 and 3, insert:

3           **"B. IN ADDITION TO ANY OTHER PENALTIES UNDER THIS SECTION, THE JUDGE**  
4        **SHALL ORDER THE PERSON TO COMPLETE ALCOHOL OR OTHER DRUG SCREENING THAT IS**  
5        **PROVIDED BY A FACILITY APPROVED BY THE DEPARTMENT OF HEALTH SERVICES OR A**  
6        **PROBATION DEPARTMENT. IF A JUDGE DETERMINES THAT THE PERSON REQUIRES FURTHER**  
7        **ALCOHOL OR OTHER DRUG EDUCATION OR TREATMENT, THE PERSON MAY BE REQUIRED**  
8        **PURSUANT TO COURT ORDER TO OBTAIN ALCOHOL OR OTHER DRUG EDUCATION OR**  
9        **TREATMENT UNDER THE COURT'S SUPERVISION FROM AN APPROVED FACILITY. THE JUDGE**  
10      **MAY REVIEW AN EDUCATION OR TREATMENT DETERMINATION AT THE REQUEST OF THE**  
11      **STATE OR THE DEFENDANT OR ON THE JUDGE'S INITIATIVE. THE PERSON SHALL PAY THE**  
12      **COSTS OF THE SCREENING, EDUCATION OR TREATMENT UNLESS THE COURT WAIVES PART**  
13      **OR ALL OF THE COSTS. IF A PERSON IS REFERRED TO A SCREENING, EDUCATION OR**  
14      **TREATMENT FACILITY, THE FACILITY SHALL REPORT TO THE COURT WHETHER THE PERSON**  
15      **HAS SUCCESSFULLY COMPLETED THE SCREENING, EDUCATION OR TREATMENT PROGRAM."**

16      Reletter to conform

17 Page 8, line 6, strike "C" insert "**D**"

18      Line 14, strike "**D**— C" insert "**D**"

19      Strike lines 24 through 45

20 Page 9, strike lines 1 through 12, insert:

21      **"G. H.** Any political subdivision processing or utilizing the services of a  
22      person ordered to perform community restitution pursuant to this section does  
23      not incur any civil liability to the person ordered to perform community  
24      restitution as a result of these activities unless the political subdivision  
25      or its agent or employee acts with gross negligence.

26      **H. I.** After a person who is sentenced pursuant to subsection **B A** of this  
27      section has served twenty-four consecutive hours in jail or after a person  
28      who is sentenced pursuant to subsection **D** of this section has served forty-  
29      eight consecutive hours in jail and after receiving confirmation that the

1       person is employed or is a student, the court, on pronouncement of any jail  
2       sentence under this section, may provide in the sentence that the person may  
3       be permitted, if the person is employed or is a student and can continue the  
4       person's employment or studies, to continue such employment or studies for  
5       not more than twelve hours per day nor more than five days per week, and the  
6       remaining day, days or parts of days shall be spent in jail until the  
7       sentence is served. The person shall be allowed out of jail only long enough  
8       to complete the actual hours of employment or studies and no longer.

9       ~~I.~~ J. A person who is sentenced pursuant to this section is eligible for a  
10      home detention program pursuant to the provisions of section 9-499.07,  
11      subsections M through R or section 11-459, subsections L through Q.

12      ~~J.~~ K. The court shall allow the allegation of a prior conviction or other  
13      pending charge of a violation of section 5-395 filed twenty or more days  
14      before the date the case is actually tried and may allow the allegation of a  
15      prior conviction or other pending charge of a violation of section 5-395  
16      filed any time before the date the case is actually tried, provided that when  
17      the allegation is filed this state must make available to the defendant a  
18      copy of any information obtained concerning the prior conviction or other  
19      pending charge. Any conviction may be used to enhance another conviction  
20      irrespective of the dates on which the offenses occurred within the ~~sixty~~  
21      EIGHTY-FOUR month provision.

22      ~~K.~~ L. If a person is placed on probation for violating section 5-395,  
23      the probation shall be supervised unless the court finds that supervised  
24      probation is not necessary or the court does not have supervisory probation  
25      services.”

26      Page 12, line 35, strike “a” insert “~~sixty~~ AN”

27      Page 14, line 20, strike “of 0.15 or more” insert “AS FOLLOWS”

28      Line 24, strike the period insert “:

29                  1. 0.15 OR MORE BUT LESS THAN 0.20.

30                  2. 0.20 OR MORE.”

Senate Amendments to S.B. 1080

1 Line 34, after "served" insert "IF THE PERSON IS CONVICTED OF A VIOLATION OF  
2 SUBSECTION A, PARAGRAPH 1 OF THIS SECTION" after "WHO" strike remainder of  
3 line

4 Line 34, strike "CONCENTRATION OF 0.20 OR MORE" insert "IS CONVICTED OF A  
5 VIOLATION OF SUBSECTION A, PARAGRAPH 2 OF THIS SECTION"

6 Line 39, strike "HAS AN ALCOHOL CONCENTRATION OF 0.20 OR MORE" insert "IS  
7 CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 2 OF THIS SECTION"

8 Page 15, lines 24 and 25, strike "HAS AN ALCOHOL CONCENTRATION OF LESS THAN 0.20"  
9 insert "IS CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 1 OF THIS  
10 SECTION"

11 Line 37, strike "EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH,"

12 Line 41, after "served" insert "IF THE PERSON IS CONVICTED OF A VIOLATION OF  
13 SUBSECTION A, PARAGRAPH 1 OF THIS SECTION"; strike "HAS AN ALCOHOL  
14 CONCENTRATION OF 0.20 OR MORE" insert "IS CONVICTED OF A VIOLATION OF  
15 SUBSECTION A, PARAGRAPH 2 OF THIS SECTION"

16 Page 16, line 2, strike "HAS AN ALCOHOL CONCENTRATION OF 0.20 OR MORE" insert "IS  
17 CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 2 OF THIS SECTION"

18 Lines 34 and 35, strike "HAS AN ALCOHOL CONCENTRATION OF LESS THAN 0.20" insert  
19 "IS CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 1 OF THIS SECTION"

20 Amend title to conform

LINDA GRAY

1/29/08  
8:58 AM  
S: A0/ac